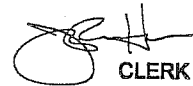


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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

CLAYTON S. CREEK,)	CIV. 11-4002-RHB
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
)	
UNITED STATES OF AMERICA and)	
SOUTH DAKOTA DEPARTMENT)	
OF CORRECTIONS,)	
)	
Defendants.)	

Plaintiff commenced this action pursuant to 42 U.S.C. § 1983 alleging that his constitutional rights were violated by defendants. The Court, in an Order dated March 4, 2011, determined that plaintiff was not eligible to proceed *in forma pauperis* under 28 U.S.C. § 1915 as plaintiff had previously filed more than three actions which were dismissed as frivolous or for failure to state a claim. Plaintiff began an appeal of that Order but the appeal was dismissed for failure to prosecute. Plaintiff then filed for permission to proceed *in forma pauperis*. This second motion was also denied and plaintiff was given until September 16, 2011, to remit payment. As of the date of this Order, plaintiff has not provided payment or supplied the Court with information sufficient to overcome the bar set forth in 28 U.S.C. § 1915. As a result, the Court finds that the action should be dismissed, without prejudice, for failure to prosecute.


Accordingly, it is hereby

ORDERED that plaintiff's complaint (Docket #1) is dismissed without prejudice.

IT IS FURTHER ORDERED that all pending motions (Dockets #4, #6, #12, #13, #20, #21, #22, #23, #24, #25, #26, #28, and #29) in this matter are dismissed as moot.

Dated this 28 day of September, 2011.

BY THE COURT:


RICHARD H. BATTEY
UNITED STATES DISTRICT JUDGE